

# Jamaica

## Incidence and Nature of Child Labor

An estimated 0.9 percent of children ages 5 to 14 years were counted as working in Jamaica in 2002. Approximately 1.2 percent of all boys 5 to 14 were working compared to 0.6 percent of all girls in the same age group. The majority of working children were found in the services sector (52.4 percent), followed by agricultural (30.6 percent), manufacturing (7.6 percent), and other sectors (9.4 percent).<sup>2460</sup> A 2002 survey found that working children were found primarily in service industries (wholesale, retail, hotels, and restaurants), followed by agriculture, forestry, and fishing. More boys were found working on agricultural sites and on the street, while nearly half of the girls were reported working in shops, markets, stalls, or family dwellings in 2002.<sup>2461</sup> Child labor is one of many problems associated with poverty. In 2000, less than 2 percent of the population in Jamaica were living on less than USD 1 a day.<sup>2462</sup>

A 2001 study funded by ILO-IPEC reports that children as young as 10 years old are sexually exploited in prostitution, catering to tourists.<sup>2463</sup> Young girls are exploited in bars, massage parlors, and “go-go” clubs.<sup>2464</sup> In 2004, reports of sexual crimes against children concerned only girls.<sup>2465</sup> Children are trafficked internally for sexual exploitation.<sup>2466</sup>

Public primary education in Jamaica is reported to be free, universal, and compulsory for children from ages 6 to 11.<sup>2467</sup> While 12-year-olds may be in primary school, the Education Act defines “primary student” as a child younger than twelve at the commencement of the school year.<sup>2468</sup> The Education Act does not specify compulsory school age, but gives the Education Minister authority to “declare” compulsory school age specific to a school area.<sup>2469</sup> The Education Act holds parents responsible for ensuring that children of compulsory age attend school regularly.<sup>2470</sup> In 2002, the gross primary enrollment rate was 100 percent,

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<sup>2460</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children’s work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the “Data Sources and Definitions” section of this report.

<sup>2461</sup> Due to the small number of working children found in the survey, the percentages given should be interpreted with caution. Kristin Fox, Statistical Institute of Jamaica (STATIN), Statistical Information and Monitoring Program and Child Labour (SIMPOC) of ILO, and UNICEF, *Report of Youth Activity Survey 2002*, June 2004.

<sup>2462</sup> World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

<sup>2463</sup> Leith L Dunn and ILO-IPEC, *Situation of Children in Prostitution: A Rapid Assessment*, Geneva, November 2001, p. 13. ECPAT International notes that Montego Bay, Kingston, Port Antonio, and Negril are areas with a high incidence of child prostitution. See also ECPAT International, *Jamaica*, in ECPAT International, [database online] [cited June 27, 2005]; available from [http://www.ecpat.net/eng/Ecpat\\_inter/projects/monitoring/online\\_database/index.asp](http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp).

<sup>2464</sup> Dunn and ILO-IPEC, *Situation of Children in Prostitution*, 13, 14. See also ECPAT International, *Ecpat Database*.

<sup>2465</sup> UNICEF, *Situation Analysis of Jamaican Children, update*, February 2005. However, it has been reported that male street children are also vulnerable to sexual exploitation to meet basic needs. See ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Jamaica and SIMPOC Survey*, project document, JAM/P50/USA, Geneva, June 2001, 7.

<sup>2466</sup> U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46612.htm>.

<sup>2467</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Jamaica*, Washington, DC, February 28, 2005, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41766.htm>.

<sup>2468</sup> *The Education Act*, Article 2; available from <http://www.moj.gov.jm/laws/statutes/The%20Education%20Act.pdf>.

<sup>2469</sup> *Ibid.*, Article 20.

<sup>2470</sup> *Ibid.*, Article 21.

and the net primary enrollment rate was 95 percent.<sup>2471</sup> Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2002, 98.9 percent of children ages 5 to 14 years were attending school.<sup>2472</sup> As of 2001, 90 percent of children who started primary school were likely to reach grade 5.<sup>2473</sup> Reports indicate that some local schools and parent teacher organizations collect fees from children and their parents.<sup>2474</sup> Parents who cannot afford these school fees may keep their children home to help with housework.<sup>2475</sup> Besides money problems, lack of interest in school and pregnancy were other major reasons children between the ages of 12 and 16 cited for dropping out of school.<sup>2476</sup>

## Child Labor Laws and Enforcement

According to the ILO-IPEC, the Child Care and Protection Act of 2004 has increased the minimum age for employment from 14 to 15 years of age, and increased the age range for light work from 12-14 to 13-15 years.<sup>2477</sup> Forced labor is not specifically banned; however, with the exception of child prostitution, no other form of forced labor has been reported.<sup>2478</sup> The Criminal Code prohibits procuring a child younger than 18 years of age for the purpose of prostitution and allows for punishments up to 3 years of imprisonment.<sup>2479</sup> There is limited information available on prosecutions or convictions for offenses related to prostitution, but it is reported that since fines have not kept pace with the depreciation in the exchange rate, judges often impose criminal penalties in lieu of fines.<sup>2480</sup> The minimum age for voluntary recruitment to the military in Jamaica is 18 years. Minors of at least 17.5 years of age may voluntarily enlist for training with parental consent, but they must be 18 years old upon graduating from training.<sup>2481</sup>

The Government of Jamaica has few laws that regulate the worst forms of child labor. The Criminal Code protects those younger than 18 years of age from forced prostitution.<sup>2482</sup> The Child Care and Protection Act of 2004 prohibits the sale or trafficking of any child, and penalizes violators with a maximum of 10 years of imprisonment and a fine.<sup>2483</sup> However, according the U.S. Department of State, the term “trafficking” is not clearly defined in the Act, resulting in difficulty in enforcing the statute.<sup>2484</sup> Since 1999, the Government of Jamaica has submitted to the ILO a list or an equivalent document identifying the types of

<sup>2471</sup> UNESCO Institute for Statistics, *Gross and Net Enrollment Ratios, Primary*; accessed December 2005; available from <http://wwwstatus.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51>.

<sup>2472</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>2473</sup> UNESCO Institute for Statistics, *School life expectancy, % of repeaters, survival rates*; accessed December 2005; available from <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportID=55>.

<sup>2474</sup> U.S. Embassy- Kingston, *reporting*, October 1, 2001.

<sup>2475</sup> U.S. Department of State, *Country Reports- 2004: Jamaica*, Section 5.

<sup>2476</sup> UNICEF, *Situation Analysis*, update 2005.

<sup>2477</sup> ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labor and SIMPOC Survey*, Final Technical Report, JAM/01/P50/USA, December 2004. The Judicature (Juvenile Courts and other Courts Validation and Indemnity) Act, which was passed in 2005, further substantiates this study. The Judicare Act states that the Child Care and Protection Act repeals the Juveniles Act, which had set the minimum age as 12. *Judicature (Juvenile Courts and other Courts, Validation and Indemnity) Act*. See also *Juveniles Act of 1951*. There is some discrepancy, however, with other reports. The U.S. Department of State, for instances, notes that the Child Care and Protection Act provides that children under the age of 12 shall not be employed except by parents or guardians, and that such employment may be only in domestic, agricultural, or horticultural work. U.S. Department of State, *Country Reports- 2004: Jamaica*, Section 6d.

<sup>2478</sup> *Juveniles Act*. See also U.S. Department of State, *Country Reports- 2004: Jamaica*, Section 6c.

<sup>2479</sup> Government of Jamaica, *Criminal Code*, [database online].

<sup>2480</sup> U.S. Embassy- Kingston, *reporting*, October 22, 2002.

<sup>2481</sup> Coalition to Stop the Use of Child Soldiers, “Jamaica,” in *Global Report 2004*; available from [http://www.child-soldiers.org/document\\_get.php?id=831](http://www.child-soldiers.org/document_get.php?id=831).

<sup>2482</sup> Government of Jamaica, *Criminal Code*, Article 58.

<sup>2483</sup> U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Embassy- Kingston, *reporting*, March 2, 2005.

<sup>2484</sup> U.S. Department of State official, electronic communication to USDOL official, May 24, 2005.

work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.<sup>2485</sup>

The police are authorized to conduct labor inspections, and the Child Development Agency (CDA) is responsible for ensuring service provision to working children.<sup>2486</sup> However, the lack of labor inspectors dedicated to this task contributes to the challenge of effective enforcement, as does the fact that child labor is likely to occur more often in informal sectors. During 2005, the Ministry of Labor and Social Security has reviewed an Occupational Health and Safety Act (OHSA), which would allow for the creation of a body of labor inspectors. The Act is currently under review by the Chief Parliamentary Council.<sup>2487</sup> Under the Juveniles Act, child labor violators can be subject to a fine or 3 months of imprisonment.<sup>2488</sup> However, CDA officials reported difficulty in large-scale inspections and investigation of exploitative child labor due to insufficient funds.<sup>2489</sup> During 2005, the government established a police anti-trafficking unit and a task force to oversee trafficking policy coordination. It also appointed an anti-trafficking coordinator in the Office of the Prime Minister. In addition, the government increased the number of Children's Officers who work with child victims of trafficking from 45 to 70. The CDA has been operating 8 shelters for child victims and 12 hotlines for reporting exploitation.<sup>2490</sup>

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

According to the Ministry of Labor, an action plan to eliminate the worst forms of child labor in Jamaica has been drafted by the joint effort of the National Steering Committee on Child Labor, Ministry of Labor and Social Security officials, and other governmental and non-governmental organizations.<sup>2491</sup> The government is providing financial support to NGOs that are assisting child trafficking victims.<sup>2492</sup> Between 2003 and 2006, with support from UNICEF, the Ministry of Health's Child Development Agency is implementing a national plan of action for orphans and other children made vulnerable by HIV/AIDS. The plan seeks to build synergies and increase coordination among different Ministries and sectors, including labor and education.<sup>2493</sup>

Selected Child Labor Measures Adopted by Governments	
Ratified ILO Convention 138 10/13/2003	✓
Ratified ILO Convention 182 10/13/2003	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	✓
Sector Action Plan (Orphans and Children made Vulnerable by HIV/AIDS)	✓

<sup>2485</sup> ILO-IPEC Geneva official, email communication to USDOL official, November 14, 2005.

<sup>2486</sup> U.S. Department of State, *Country Reports- 2004: Jamaica*, Section 6d.

<sup>2487</sup> U.S. Embassy- Jamaica official, email communication to USDOL official, August 11, 2006.

<sup>2488</sup> U.S. Embassy- Kingston, *reporting*, October 1, 2001.

<sup>2489</sup> U.S. Department of State, *Country Reports- 2004: Jamaica*, Section 6d.

<sup>2490</sup> Office of the Press Secretary White House Press Release, "Presidential Determination with Respect to Foreign Governments' Efforts Regarding Trafficking in Persons," (Washington, DC), September 21, 2005.

<sup>2491</sup> Jamaica Information Service, *Government Partners with ILO to Curb Child Labour*, [online] May 22, 2005 [cited June 27, 2005]; available from [http://www.jis.gov.jm/labour/html/20050520T180000-0500\\_5733\\_JIS\\_GOVERNMENT\\_PARTNERS\\_WITH\\_ILO\\_TO\\_CURB\\_CHILD\\_LABOUR.asp](http://www.jis.gov.jm/labour/html/20050520T180000-0500_5733_JIS_GOVERNMENT_PARTNERS_WITH_ILO_TO_CURB_CHILD_LABOUR.asp). See also U.S. Department of State, *Country Reports- 2004: Jamaica*, Section 6d.

<sup>2492</sup> U.S. Department of State, *Country Reports- 2004: Jamaica*, Section 5.

<sup>2493</sup> Child Development Agency, *National Plan of Action for Orphans and Other Children Made Vulnerable by HIV/AIDS in Jamaica 2003-2006*, Ministry of Health, Kingston, October 2003; available from [http://hivaidsclearinghouse.unesco.org/ev\\_en.php?ID=3240\\_201&ID2=DO\\_TOPIC](http://hivaidsclearinghouse.unesco.org/ev_en.php?ID=3240_201&ID2=DO_TOPIC).

The Ministry of Education has instituted a scholarship program to help parents pay school fees at the secondary level.<sup>2494</sup> The government and the World Bank implemented a Social Safety Net Program. The Program included an assistance component that provides grants to families with children at risk of dropping out of school and entering the workforce, in order to ensure that the children stay in school.<sup>2495</sup> The IDB and USAID are funding programs to improve the quality of primary education, and another World Bank initiative is focusing on reforms to secondary education.<sup>2496</sup>

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<sup>2494</sup> U.S. Embassy- Kingston, *reporting*, October 1, 2001.

<sup>2495</sup> The program ended in December 2005. See World Bank, *Project Appraisal Document to Jamaica for a Social Safety Net Program*, August 9, 2001, 10; available from [http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2001/09/01/000094946\\_01081704011663/Rendered/PDF/multi0page.pdf](http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2001/09/01/000094946_01081704011663/Rendered/PDF/multi0page.pdf).

<sup>2496</sup> *Ibid.*, 6. See also World Bank, *Project Information Document, Reform of Secondary Education Project II*, [online] June 24, 2005 [cited June 24, 2005]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&ProjectId=P071589>.